

REMARKS

This paper addresses the Office Action mailed December 7, 2007. Claims 1-78 are presently pending. Claims 1-57 and 60-78 stand rejected. The status of claims 58 and 59 was not indicated in the Office Action. Claim 58 was erroneously submitted as being identical to claim 31. As presented in this amendment the “in electrical communications” in claim 58 has been replaced with “in communication” in claim 58. No new matter has been added.

No statutory grounds for rejection was provided for any of the claims. Accordingly, the rejection is respectfully traversed. Applicant respectfully requests reconsideration, and ask that the rejection be withdrawn.

The Office Action indicated that the preliminary amendment of 3/12/04 should have had all newly presented claims underlined in their entirety. While the objection is not necessarily agreed with, the present amendment presents the claims as requested. The current listing of claims is believed to be substantively identical to that presented in the listing of claims from the preliminary amendment, with the exception of the above-noted change to claim 58, and the omission of the amendment of claim 4, which was already entered. The claims that were new in the preliminary amendment of 3/12/04 are still listed as “new” in the present amendment, rather than “previously presented”, in a good faith attempt to comply with the Office Action’s requirement as it is understood.

The Office Action indicated that the declaration was allegedly defective for failing to point out an error with sufficient specificity. While Applicant does not necessarily agree, a new declaration by the assignee has been provided which notes:

The patentees claimed more or less than they had the right to claim in the patent. For example, claim 39 recites a controller "in communication" with the lottery ticket dispenser and the fault store. Originally issued independent claims 1, 3, 4, 5, 8, 10, and 12 recite a controller which is in “electrical communication” with other claim elements. Accordingly, at least claim 39 is broader than all of the originally filed claims.

The Office Action requested a supplemental declaration reciting that there was no deceptive intent in the error(s) made in the originally issued patent. The Supplemental Declaration of the Assignee, filed herewith, indicates that there was no deceptive intent.

CONCLUSION

All issues raised in the Office Action are believed to have been addressed. In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Entry of the amendment, and prompt reconsideration and allowance of the present application are therefore earnestly solicited. The Commissioner is authorized to charge any fee arising in connection with the filing of this paper, including any necessary extension of time, to the deposit account of **Kirkpatrick & Lockhart Preston Gates Ellis LLP**, Deposit Account No. **0080570**. The Examiner is cordially invited to telephone the undersigned if any issue or question arises with respect to the present application.

Respectfully submitted

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